

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Floyd Dustin Bowie III

Case No. 17-28664
Chapter 13

Debtor.

**NOTICE OF MOTION FOR RELIEF FROM AND A
MODIFICATION OF THE AUTOMATIC STAY**

The City of Milwaukee Water Works (“City”), by its attorneys, Grant F. Langley, City Attorney, by Kevin P. Sullivan, Assistant City Attorney, has filed with the Court requesting an order be issued granting the City relief from and a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code on the grounds and for the purposes set forth in the Motion attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to enter an order granting the City of Milwaukee a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code on the grounds and for the purpose set forth in the motion attached hereto or if you want the Court to consider your views on the motion, then within fourteen (14) days of the date of this notice, you or your attorney must send a written objection and a request for a hearing to the Court, at the following address:

Clerk, U.S. Bankruptcy Court
Eastern District of Wisconsin
U.S. Courthouse, Room 126
517 East Wisconsin Avenue
Milwaukee, WI 53202-4581

Such objection should briefly state the grounds for your objection.

If you mail your objection and request for a hearing to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

You must also mail a copy to:

Attorney Kevin P. Sullivan
Assistant City Attorney
200 East Wells Street, Suite 800
Milwaukee, WI 53202

Additionally, you must attend the hearing on this matter, if any, that will be held at a date and time to be determined by the Court, notice of which will be sent to you.

If you or your attorney do not take these steps, the Court may determine that you do not oppose the relief sought in the attached motion and may enter an order granting that relief.

Dated at Milwaukee, Wisconsin this 28th day of August, 2019.

GRANT F. LANGLEY
City Attorney

/s/KEVIN P. SULLIVAN
Assistant City Attorney
State Bar No. 1005718
Attorneys for City of Milwaukee

Drafted by:
Kevin P. Sullivan
Assistant City Attorney
200 East Wells Street, Suite 800
Milwaukee, WI 53202
414-286-2601
ksulli@milwaukee.gov

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re Floyd Dustin Bowie III

Case No. 17-28664
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Debtor.

**MOTION FOR RELIEF FROM AND A MODIFICATION
OF THE AUTOMATIC STAY**

The City of Milwaukee Water Works (“City”), by its attorneys, Grant F. Langley, City Attorney, by Kevin P. Sullivan, Assistant City Attorney, moves the Court for an order granting a modification of the automatic stay imposed by sec. 362(a) of the Bankruptcy Code, to permit the City to utilize the statutory provisions contained in Wis. Stat. Sec. 66.0809 to seek collection of post-petition, delinquent obligations for municipal services in respect of property owned and/or occupied by the debtor. In support of such motion, the City alleges and shows to the Court as follows:

1. Debtor filed bankruptcy petition in this case on August 31, 2017.
2. Subsequent to the date of the bankruptcy filing, the City has provided water, sewer and other municipal services (“Services”) to the following (“Properties”)

Property Address	Unpaid Delinquent Amount Owed City
2119 Silver Spring Drive	\$1,397.91
2616 2618 W Clybourn Street	\$693.62

3. These post-petition obligations are due and payable in full immediately and debtor has refused City’s demand to pay same.

4. Wis. Stat. § 66.0809(3) authorizes a Wisconsin municipal utility, such as the City

of Milwaukee Water Works, to collect unpaid charges each year utilizing a process by which “the arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent.”

5. Wis. Stat. § 62.69(2) sets forth the procedures to be utilized by Milwaukee Water Works to certify such unpaid charges to the City Comptroller for inclusion in the 2019 tax roll.

6. To the extent the Properties constitute property of the bankruptcy estate, City petitions this court to modify the automatic stay in order to permit utilization of City’s statutory rights under Wis. Stat. §§ 62.69(2)(f) and 66.0809(3).

7. Should the automatic stay be so modified, pursuant to Wis. Stat. §§ 62.69(2)(f) and 66.0809(3), the unpaid and delinquent amounts due for post-petition Services will be added to the 2019 real estate tax bill for each of the Properties.

WHEREFORE, the City requests that the automatic stay be modified with respect to the Properties pursuant to § 362(d) of the Bankruptcy Code to permit City to utilize the statutory provisions of Wis. Stat. §§ 62.69(2)(f) and 66.0809(3) to seek collection of unpaid, post-petition obligations of debtor for the Services provided each of the Properties.

Dated and signed at Milwaukee, Wisconsin this 28th day of August, 2019.

GRANT F. LANGLEY
City Attorney

/s/ KEVIN P. SULLIVAN
Assistant City Attorney
State Bar No. 1005718
Attorneys for City of Milwaukee

Drafted by:
Kevin P. Sullivan
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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2019, I served via U.S. mail the City of Milwaukee's Notice of Motion and Motion for Relief from and a Modification of the Automatic Stay, addressed to:

Floyd D. Bowie III
2616 W Clybourn Street
Milwaukee WI 53233

Atty. James L. Miller and Atty Krysta Kerr
Miller & Miller Law LLC
633 W Wisconsin Ave Ste 500
Milwaukee WI 53203-1918

Rebecca R Garcia
Chapter 13 Trustee
PO Box 3170
Oshkosh WI 54903

/s/ KEVIN P. SULLIVAN
Assistant City Attorney
Attorney for the City of Milwaukee

Drafted by:
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1048-2019-1445: